

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

XAVIER HERSON and JOHN DOE,

Plaintiffs,

v.

Civil Action No. 2:21-cv-00450

BILL J. CROUCH, in his official capacity as Cabinet Secretary of the West Virginia Department of Health and Human Resources; AYNE AMJAD, in her official capacity as Commissioner and State Health Officer for the Bureau of Public Health; and MATTHEW WICKERT, in his official capacity as the State Registrar for Vital Statistics,

Defendants.

JOINT STATUS REPORT

Plaintiffs Xavier Hersom and John Doe, by and through their undersigned counsel, hereby file this joint status report on behalf of the parties in the above-captioned litigation. On July 20, 2022, Plaintiffs filed a joint motion to hold this matter in abeyance, to suspend the deadlines under this Court's current scheduling order, facilitate negotiation of the financial component of Plaintiffs' proposed settlement agreement to Defendants, and finalize settlement. ECF No. 36. On July 22, 2022, this Court granted the parties' joint motion, holding the matter in abeyance until August 22, 2022. ECF No. 37. The parties hereby notify the Court of the following:

On August 18, 2022, Defendants' counsel communicated Defendants' counteroffer to Plaintiffs' proposed settlement amount. Plaintiffs considered Defendants' counteroffer and

Plaintiffs' counsel notified Defendants' counsel that Plaintiffs have accepted Defendants' counteroffer on August 22, 2022.

Accordingly, the parties request the Court continue its July 22, 2022 order, holding this matter in abeyance, for an additional 60 (sixty) days in order for the parties to obtain the required signatures to execute their settlement agreement and for Defendants to make the required payment for the agreed upon settlement amount. Per the terms of the parties' settlement agreement, Plaintiffs will voluntarily dismiss their lawsuit within 10 (ten) business days of receipt of the settlement payment.

Dated: August 22, 2022

/s/ Loree Stark

Loree Stark
AMERICAN CIVIL LIBERTIES UNION
OF WEST VIRGINIA FOUNDATION
P.O. Box 3952
Charleston, WV 25339-3952
Phone: (914) 393-6614
lstark@acluwv.org

Taylor Brown*
Leslie Cooper*
Malita Picasso*
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad St.
New York, NY 10004
Phone: (212) 549-2569
tbrown@aclu.org

Alexander Chen*
HARVARD LAW SCHOOL LGBTQ+ ADVOCACY CLINIC
122 Boylston St.
Jamaica Plain, MA 02130
Phone: (617) 390-2656
achen@harvard.law.edu

*Admitted *pro hac vice*.